

AMENDED IN SENATE AUGUST 8, 2000

AMENDED IN ASSEMBLY MAY 26, 2000

AMENDED IN ASSEMBLY MAY 1, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1785**

**Introduced by Assembly Member Villaraigosa  
(Coauthors: Assembly Members Bock, Calderon, Keeley,  
Knox, Kuehl, Longville, Lowenthal, Mazzoni, Steinberg,  
and Washington)**

(Coauthors: Senators Alarcon, Hughes, Murray, and Solis)

January 26, 2000

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An act to amend Sections 233, 32228, 32228.1, 44253.2, and 44253.3 of the Education Code, and to amend Sections 628, 628.1, 628.2, and 628.5 of the Penal Code, relating to hate violence.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1785, as amended, Villaraigosa. Hate violence.

(1) Existing law requires the State Board of Education to revise as specified, the state curriculum frameworks and guidelines and the moral and civic education curricula to include human relations education, with the aim of fostering ~~and~~ *an* appreciation of people of different ethnicities.

This bill instead would require the State Board of Education to revise the state curriculum frameworks and guidelines and the moral and civic education curricula to include human relations education, with the aim of fostering an appreciation

of the diversity of California's population and discouraging the development of discriminatory attitudes and practices.

(2) Existing law states the Legislature's intent relating to school safety and violence prevention and that schoolsites receiving funds accomplish specified goals.

This bill would state the Legislature's additional intent that public schools have access to supplemental resources to combat bias based on membership in specified groups or classifications, and to prevent and respond to acts of hate violence and bias related incidents. The bill would also state additional goals for schoolsites receiving funds to include programs and curricula relating to bias, stereotyping, and discrimination as specified.

(3) Existing law empowers the Commission on Teacher Credentialing to issue a certificate that authorizes the holder of the certificate to provide various services to limited-English-proficient pupils. Minimum requirements are specified for issuance of that certificate.

This bill would add a course in human relations as a prerequisite to obtaining the above credential and would define culture and cultural diversity to mean an understanding of human relations as specified.

(4) Existing law requires that school districts report on crimes committed on school grounds, as specified. Existing law requires the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts, to develop a standard school crime reporting form. Existing law requires the department to identify guidelines for reporting, and documentation for validating, the incidents of each crime description included on the standard school crime reporting forms, as specified.

This bill would require the department to specifically include reporting of hate motivated incidents and hate crimes, as defined, on the standard school crime reporting form. This bill would also require the department to establish reporting guidelines and documentation for validation criteria for hate crimes, as defined. By increasing the reporting duty of school districts, this bill would impose a state-mandated local program.



(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares the  
2 following:

3 (a) Hate motivated incidents and hate crimes  
4 jeopardize the safety and well-being of all students and  
5 staff and are injurious to those victimized by such  
6 behavior. Unfortunately, there has been an increasing  
7 level of hate motivated incidents and hate crimes in our  
8 schools and communities.

9 (b) Current law requires school districts to report  
10 crime statistics to the State Department of Education for  
11 compilation in the annual California Safe Schools  
12 Assessment. However, the ongoing collection of  
13 information on the number of hate crimes and hate  
14 motivated incidents on school grounds is not part of the  
15 compilation.

16 (c) In 1999, the Legislature enacted the Carl  
17 Washington School Safety and Violence Prevention Act,  
18 and appropriated one hundred million dollars  
19 (\$100,000,000) for its purposes. Preventing and  
20 responding to acts of hate violence should be an explicit  
21 priority for expenditure.

22 (d) It should be the goal of the state to insure that  
23 students, teachers, administrators, and support staff

1 appreciate and respect diversity, understand the roles  
2 and contributions of people of diverse groups, and are  
3 prepared to interact harmoniously, work productively,  
4 and thrive personally in a pluralistic society.

5 (e) Better data collection of hate motivated incidents  
6 and hate crimes will provide useful information, locally  
7 and at the state level, to assist in targeting limited  
8 resources with greater effectiveness.

9 SEC. 2. Section 233 of the Education Code is amended  
10 to read:

11 233. (a) At the request of the Superintendent of  
12 Public Instruction, the State Board of Education shall do  
13 all of the following as long as the board's actions do not  
14 result in a state mandate or an increase in costs to a state  
15 or local program:

16 (1) Adopt policies directed toward creating a school  
17 environment in kindergarten and grades 1 to 12,  
18 inclusive, that is free from discriminatory attitudes and  
19 practices and acts of hate violence.

20 (2) Revise, as needed, and in accordance with the  
21 State Board of Education's adopted Schedule for  
22 Curriculum Framework Development and Adoption of  
23 Instructional Materials developed pursuant to Section  
24 60200, the state curriculum frameworks and guidelines  
25 and the moral and civic education curricula to include  
26 human relations education, with the aim of fostering an  
27 appreciation of the diversity of California's population  
28 and discouraging the development of discriminatory  
29 attitudes and practices.

30 (3) Establish guidelines for use in teacher and  
31 administrator in-service training programs to promote an  
32 appreciation of diversity and to discourage the  
33 development of discriminatory attitudes and practices  
34 that prevent pupils from achieving their full potential.

35 (4) Establish guidelines for use in teacher and  
36 administrator in-service training programs designed to  
37 enable teachers and administrators to prevent and  
38 respond to acts of hate violence occurring on their school  
39 campuses.

1 (5) Establish guidelines designed to raise the  
2 awareness and sensitivity of teachers, administrators, and  
3 school employees to potentially prejudicial and  
4 discriminatory behavior and to encourage the  
5 participation of these groups in these programs.

6 (6) Develop guidelines relating to the development of  
7 nondiscriminatory instructional and counseling methods.

8 (7) Revise any appropriate guidelines previously  
9 adopted by the board to include procedures for  
10 preventing and responding to acts of hate violence.

11 (b) The State Department of Education, in  
12 accordance with policies established by the State Board  
13 of Education for purposes of this subdivision, shall do all  
14 of the following:

15 (1) Prepare guidelines for the design and  
16 implementation of local programs and instructional  
17 curricula that promote understanding, awareness, and  
18 appreciation of the contributions of people with diverse  
19 backgrounds and of harmonious relations in a diverse  
20 society. The guidelines shall include methods of  
21 evaluating the programs and curricula and suggested  
22 procedures to ensure coordination of the programs and  
23 curricula with appropriate local public and private  
24 agencies.

25 (2) Provide grants, from funds appropriated for that  
26 purpose, to school districts and county offices of  
27 education to develop programs and curricula consistent  
28 with the guidelines developed in paragraph (1).

29 (3) To the extent possible, provide advice and direct  
30 services, consistent with the guidelines developed in  
31 paragraph (1), to school districts and county offices of  
32 education that implement the programs and curricula  
33 developed in paragraph (2).

34 (c) The State Board of Education shall carry out this  
35 section only if private funds, in an amount sufficient to  
36 pay for related State Department of Education staff  
37 activities on behalf of the board, are made available.

38 (d) Nothing in this section shall be construed to  
39 require the governing board of a school district to offer

1 any ethnic studies or human relations courses in the  
2 district.

3 (e) As used in this section, “hate violence” means any  
4 act punishable under Section 422.6, 422.7, or 422.75 of the  
5 Penal Code.

6 ~~SEC. 3. Section 32228 of the Education Code is~~  
7 ~~amended to read:~~

8 ~~32228. (a) It is the intent of the Legislature that~~  
9 ~~public schools serving pupils in grades 8 to 12, inclusive,~~  
10 ~~have access to supplemental resources to establish~~  
11 ~~programs and strategies that promote school safety and~~  
12 ~~emphasize violence prevention among children and~~  
13 ~~youth in the public schools.~~

14 ~~(b) It is also the intent of the Legislature that public~~  
15 ~~schools have access to supplemental resources to combat~~  
16 ~~bias on the basis of race, color, religion, ancestry, national~~  
17 ~~origin, disability, gender, or sexual orientation, and to~~  
18 ~~prevent and respond to acts of hate violence and bias~~  
19 ~~related incidents.~~

20 ~~(c) It is further the intent of the Legislature that~~  
21 ~~schoolsites receiving funds pursuant to this article~~  
22 ~~accomplish all of the following goals:~~

23 ~~(1) Teach pupils techniques for resolving conflicts~~  
24 ~~without violence.~~

25 ~~(2) Train school staff and administrators to support~~  
26 ~~and promote conflict resolution and mediation~~  
27 ~~techniques for resolving conflicts between and among~~  
28 ~~pupils.~~

29 ~~(3) Reduce incidents of violence at the schoolsite with~~  
30 ~~an emphasis on prevention and early intervention.~~

31 ~~SEC. 4. Section 32228.1 of the Education Code is~~  
32 ~~amended to read:~~

33 ~~32228.1. (a) The School Safety and Violence~~  
34 ~~Prevention Act is hereby established. This statewide~~  
35 ~~program shall be administered by the Superintendent of~~  
36 ~~Public Instruction, who shall provide funds to school~~  
37 ~~districts serving pupils in any of grades 8 to 12, inclusive,~~  
38 ~~for the purpose of promoting school safety and reducing~~  
39 ~~schoolsites violence. As a condition of receiving funds~~  
40 ~~pursuant to this article, an eligible school district shall~~

1 ~~certify, on forms and in a manner required by the~~  
2 ~~Superintendent of Public Instruction, that the funds will~~  
3 ~~be used as described in this section.~~

4 ~~(b) From funds appropriated in the annual Budget~~  
5 ~~Act or any other measure, funds shall be allocated to~~  
6 ~~school districts on the basis of prior year enrollment, as~~  
7 ~~reported by the California Basic Educational Data~~  
8 ~~System, of pupils in grades 8 to 12, inclusive, for any one~~  
9 ~~or more of the following purposes:~~

10 ~~(1) Providing schools with personnel, including, but~~  
11 ~~not limited to, licensed or certificated school counselors,~~  
12 ~~school social workers, school nurses, and school~~  
13 ~~psychologists, who are trained in conflict resolution. Any~~  
14 ~~law enforcement personnel hired pursuant to this article~~  
15 ~~shall be trained and sworn peace officers.~~

16 ~~(2) Providing effective and accessible on-campus~~  
17 ~~communication devices and other school safety~~  
18 ~~infrastructure needs.~~

19 ~~(3) Establishing an in-service training program for~~  
20 ~~school staff to learn to identify at risk pupils, to~~  
21 ~~communicate effectively with those pupils, and to refer~~  
22 ~~those pupils to appropriate counseling.~~

23 ~~(4) Establishing cooperative arrangements with local~~  
24 ~~law enforcement agencies for appropriate~~  
25 ~~school-community relationships.~~

26 ~~(5) Preventing and responding to acts of hate violence~~  
27 ~~and bias related incidents, including implementation of~~  
28 ~~programs and instructional curricula consistent with the~~  
29 ~~goals set forth in this section and guidelines developed~~  
30 ~~pursuant to paragraph (1) of subdivision (b) of Section~~  
31 ~~233.~~

32 ~~(6) For any other purpose that the school or school~~  
33 ~~district determines that would materially contribute to~~  
34 ~~meeting the goals and objectives of current law in~~  
35 ~~providing for safe schools and preventing violence among~~  
36 ~~pupils.~~

37 *SEC. 3. Section 32228 of the Education Code is*  
38 *amended to read:*

39 32228. (a) It is the intent of the Legislature that  
40 public schools serving pupils in kindergarten or any of

1 grades 1 to 12, inclusive, have access to supplemental  
2 resources to establish programs and strategies that  
3 promote school safety and emphasize violence  
4 prevention among children and youth in the public  
5 schools.

6 (b) *It is also the intent of the Legislature that public*  
7 *schools have access to supplemental resources to combat*  
8 *bias on the basis of race, color, religion, ancestry, national*  
9 *origin, disability, gender, or sexual orientation, and to*  
10 *prevent and respond to acts of hate violence and bias*  
11 *related incidents. Sexual orientation shall not include*  
12 *pedophilia.*

13 (c) It is further the intent of the Legislature that  
14 schoolsites receiving funds pursuant to this article  
15 accomplish all of the following goals:

16 (1) Teach pupils techniques for resolving conflicts  
17 without violence.

18 (2) Train school staff and administrators to support  
19 and promote conflict resolution and mediation  
20 techniques for resolving conflicts between and among  
21 pupils.

22 (3) Reduce incidents of violence at the schoolsite *with*  
23 *an emphasis on prevention and early detection.*

24 SEC. 4. Section 32228.1 of the Education Code is  
25 amended to read:

26 32228.1. (a) The School Safety and Violence  
27 Prevention Act is hereby established. This statewide  
28 program shall be administered by the Superintendent of  
29 Public Instruction, who shall provide funds to school  
30 districts serving pupils in kindergarten or any of grades  
31 1 to 12, inclusive, for the purpose of promoting school  
32 safety and reducing schoolsite violence. As a condition of  
33 receiving funds pursuant to this article, an eligible school  
34 district shall certify, on forms and in a manner required  
35 by the Superintendent of Public Instruction, that the  
36 funds will be used as described in this section.

37 (b) From funds appropriated in the annual Budget  
38 Act or any other measure, funds shall be allocated to  
39 school districts on the basis of prior year enrollment, as  
40 reported by the California Basic Educational Data



1 System, of pupils in kindergarten or any of grades 1 to 12,  
2 inclusive, for any one or more of the following purposes:

3 (1) Providing schools with personnel, including, but  
4 not limited to, licensed or certificated school counselors,  
5 school social workers, school nurses, and school  
6 psychologists, who are trained in conflict resolution. Any  
7 law enforcement personnel hired pursuant to this article  
8 shall be trained and sworn peace officers.

9 (2) Providing effective and accessible on-campus  
10 communication devices and other school safety  
11 infrastructure needs.

12 (3) Establishing an in-service training program for  
13 school staff to learn to identify at-risk pupils, to  
14 communicate effectively with those pupils, and to refer  
15 those pupils to appropriate counseling.

16 (4) Establishing cooperative arrangements with local  
17 law enforcement agencies for appropriate  
18 school-community relationships.

19 (5) *Preventing and responding to acts of hate violence*  
20 *and bias related incidents, including implementation of*  
21 *programs and instructional curricula consistent with the*  
22 *goals set forth in this section and guidelines developed*  
23 *pursuant to paragraph (1) of subdivision (b) of Section*  
24 *233.*

25 (6) For any other purpose that the school or school  
26 district determines that would materially contribute to  
27 meeting the goals and objectives of current law in  
28 providing for safe schools and preventing violence among  
29 pupils.

30 SEC. 5. Section 44253.2 of the Education Code is  
31 amended to read:

32 44253.2. For the purposes of this chapter, the  
33 following terms shall have the following meanings, unless  
34 the context otherwise requires:

35 (a) “Instruction for English language development”  
36 means instruction designed specifically for  
37 limited-English-proficient pupils to develop their  
38 listening, speaking, reading, and writing skills in English.

39 (b) “Specially designed content instruction delivered  
40 in English” means instruction in a subject area, delivered

1 in English, that is specially designed to meet the needs of  
2 limited-English-proficient pupils.

3 (c) “Content instruction delivered in the primary  
4 language” means instruction in a subject area delivered  
5 in the primary language of the pupil.

6 (d) “Instruction for primary language development”  
7 means instruction designed to develop a pupil’s listening,  
8 speaking, reading, and writing skills in the primary  
9 language of the pupil.

10 (e) “Culture and cultural diversity” means an  
11 understanding of human relations, including the  
12 following:

13 (1) The nature and content of culture.

14 (2) Cross cultural contact and interactions.

15 (3) Cultural diversity in the United States and  
16 California.

17 (4) Approaches to providing instruction responsive to  
18 the diversity of the student population.

19 (5) Recognizing and responding to behavior related to  
20 bias based on race, color, religion, nationality, country of  
21 origin, ancestry, gender, disability, or sexual orientation.

22 (6) Techniques for the peaceful resolution of conflict.

23 SEC. 6. Section 44253.3 of the Education Code is  
24 amended to read:

25 44253.3. (a) The commission shall issue a certificate  
26 that authorizes the holder to provide all of the following  
27 services to limited-English-proficient pupils:

28 (1) Instruction for English language development in  
29 preschool, kindergarten, grades 1 to 12, inclusive, and  
30 classes organized primarily for adults, except when the  
31 requirement specified in paragraph (1) of subdivision  
32 (b) of Section 44253.3 is satisfied by the possession of a  
33 children’s center instructional permit pursuant to  
34 Sections 8363 and 44252.7, a children’s center supervision  
35 permit pursuant to Section 8363, or a designated subjects  
36 teaching credential in adult education pursuant to  
37 Section 44260.2. If the requirement specified in  
38 paragraph (1) of subdivision (b) of Section 44253.3 is  
39 satisfied by the possession of a children’s center  
40 instructional permit, or a children’s center supervision

1 permit, then instruction for English language  
2 development shall be limited to the programs authorized  
3 by that permit. If the requirement specified in paragraph  
4 (1) of subdivision (b) of Section 44253.3 is satisfied by the  
5 possession of a designated subjects teaching credential in  
6 adult education, then instruction for English language  
7 development shall be limited to classes organized  
8 primarily for adults.

9 (2) Specially designed content instruction delivered  
10 in English in the subjects and at the levels authorized by  
11 the teacher's prerequisite credential or permit used to  
12 satisfy the requirement specified in paragraph (1) of  
13 subdivision (b) of Section 44253.3.

14 (b) The minimum requirements for the certificate  
15 shall include all of the following:

16 (1) Possession of a valid California teaching credential,  
17 services credential, children's center instructional  
18 permit, or children's center supervision permit which  
19 credential or permit authorizes the holder to provide  
20 instruction to pupils in preschool, kindergarten, any of  
21 grades 1 to 12, inclusive, or classes primarily organized for  
22 adults, except for the following:

23 (A) Emergency credentials or permits.

24 (B) Exchange credentials as specified in Section 44333.

25 (C) District intern certificates as specified in Section  
26 44325.

27 (D) Sojourn certificated employee credentials as  
28 specified in Section 44856.

29 (E) Teacher education internship credentials as  
30 specified in Article 3 (commencing with Section 44450)  
31 of Chapter 3.

32 (2) Passage of one or more examinations that the  
33 commission determines are necessary for demonstrating  
34 the knowledge and skills required for effective delivery  
35 of the services authorized by the certificate.

36 (3) Completion of at least six semester units, or nine  
37 quarter units, of coursework in a second language at a  
38 regionally accredited institution of postsecondary  
39 education. The commission shall establish minimum  
40 standards for scholarship in the required coursework. The

1 commission shall also establish alternative ways in which  
2 the requirement can be satisfied by language-learning  
3 experience that creates an awareness of the challenges of  
4 second-language acquisition and development.

5 (c) Completion of coursework in human relations in  
6 accordance with the commission's standards of program  
7 quality and effectiveness that includes, at minimum  
8 instruction in the following:

9 (1) The nature and content of culture.

10 (2) Cross cultural contact and interactions.

11 (3) Cultural diversity in the United States and  
12 California.

13 (4) Providing instruction responsive to the diversity of  
14 the student population.

15 (5) Recognizing and responding to behavior related to  
16 bias based on race, color, religion, nationality, country of  
17 origin, ancestry, gender, disability, or sexual orientation.

18 (6) Techniques for the peaceful resolution of conflict.

19 (d) The commission shall establish alternative  
20 requirements for a teacher to earn the certificate, which  
21 shall be awarded as a supplementary authorization  
22 pursuant to subdivision (e) of Section 44225.

23 (e) The certificate shall remain valid as long as the  
24 prerequisite credential or permit specified in paragraph  
25 (1) of subdivision (b) of Section 44253.3 remains valid.

26 SEC. 7. Section 628 of the Penal Code is amended to  
27 read:

28 628. It is the intent of the Legislature in enacting this  
29 section to ensure that schools, school districts, local  
30 government, and the Legislature have sufficient data and  
31 information about the type and frequency of crime,  
32 including hate motivated incidents and hate crimes,  
33 occurring on school campuses to permit development of  
34 effective programs and techniques to combat crime on  
35 school campuses.

36 SEC. 8. Section 628.1 of the Penal Code is amended to  
37 read:

38 628.1. (a) By June 30, 1995, the State Department of  
39 Education, in consultation with the Department of  
40 Justice and a representative selection of school districts

1 and county offices of education which currently compile  
2 school crime statistics, shall develop a standard school  
3 crime reporting form for use by all school districts and  
4 county offices of education throughout the state. No  
5 individual shall be identified by name or in any other  
6 manner on this reporting form. The form shall define  
7 what constitutes the criminal activity required to be  
8 reported and shall include, but not be limited to, all of the  
9 following:

10 (1) Description of the crime or incident, including  
11 hate motivated incidents or hate crimes.

12 (2) Victim characteristics.

13 (3) Suspect characteristics, if known.

14 (b) For purposes of this section the following  
15 definitions shall apply:

16 (1) “Hate motivated incident” means an act or  
17 attempted act which constitutes an expression of hostility  
18 against a person or property or institution because of the  
19 victim’s real or perceived race, religion, disability,  
20 gender, nationality, or sexual orientation. This may  
21 include using bigoted insults, taunts, or slurs, distributing  
22 or posting hate group literature or posters, defacing,  
23 removing, or destroying posted materials or  
24 announcements, posting or circulating demeaning jokes  
25 or leaflets.

26 (2) “Hate crime” means an act or attempted act  
27 against the person or property of another individual or  
28 institution which in any way manifest evidence of  
29 hostility toward the victim because of his or her actual or  
30 perceived race, religion, disability, gender, nationality, or  
31 sexual orientation. This includes, but is not limited to,  
32 threatening telephone calls, hate mail, physical assault,  
33 vandalism, cross burning, destruction of religious  
34 symbols, or fire bombings.

35 SEC. 9. Section 628.2 of the Penal Code is amended to  
36 read:

37 628.2. (a) On forms prepared and supplied by the  
38 State Department of Education, each principal of a school  
39 in a school district and each principal or director of a  
40 school, program, or camp under the jurisdiction of the

1 county superintendent of schools shall forward a  
2 completed report of crimes committed, including hate  
3 motivated incidents and hate crimes as defined in  
4 paragraphs (1) and (2) of subdivision (b) of Section 628.1,  
5 on school or camp grounds at the end of each reporting  
6 period to the district superintendent or county  
7 superintendent of schools, as the case may be.

8 (b) The district superintendent, or, as appropriate, the  
9 county superintendent of schools, shall compile the  
10 school data and submit the aggregated data to the State  
11 Department of Education not later than February 1 for  
12 the reporting period of July 1 through December 31, and  
13 not later than August 1 for the reporting period of January  
14 1 through June 30.

15 (c) The superintendent of any school district that  
16 maintains a police department pursuant to Section 39670  
17 of the Education Code may direct the chief of police or  
18 other administrator of that department to prepare the  
19 completed report of crimes for one or more schools in the  
20 district, to compile the school data for the district, and to  
21 submit the aggregated data to the State Department of  
22 Education in accordance with this section. If the chief of  
23 police or other designated administrator completes the  
24 report of crimes, the chief of police or other designated  
25 administrator shall provide information to each school  
26 principal about the school crime reporting program, the  
27 crime descriptions, including hate motivated incidents  
28 and hate crimes as defined in paragraphs (1) and (2) of  
29 subdivision (b) of Section 628.1, included in the reporting  
30 program, the reporting guidelines, and the required  
31 documentation identified by the State Department of  
32 Education for each crime description.

33 (d) The State Department of Education shall  
34 distribute, upon request, to each school district governing  
35 board, each office of the county superintendent of  
36 schools, each county probation department, the Attorney  
37 General, the Fair Employment and Housing  
38 Commission, county human relations commissions, civil  
39 rights organizations, and private organizations, a  
40 summary of the statewide aggregated data. The



1 department also shall distribute, upon request, to each  
2 office of the county superintendent of schools, each  
3 county sheriff, and each county probation department, a  
4 summary of that county's school district reports and  
5 county reports. This information shall be supplied not  
6 later than March 1 of each year for the previous school  
7 year. The department shall also submit to the Legislature  
8 a summary of the statewide aggregated data not later  
9 than March 1 of each year for the previous school year. In  
10 addition, commencing with the second annual report, the  
11 department shall identify and analyze trends in school  
12 crime by comparing the numbers and rates of crimes and  
13 the resulting economic losses for each year against those  
14 of previous years.

15 (e) All school district, county, and statewide reports  
16 prepared under this chapter shall be deemed public  
17 documents and shall be made available to the public at a  
18 price not to exceed the actual cost of duplication and  
19 distribution.

20 (f) *Effective July 1, 2001, the Superintendent of Public*  
21 *Instruction shall not collect or require school districts to*  
22 *submit data on pupil suspensions and expulsions pursuant*  
23 *to this chapter, unless that methodology has been*  
24 *reviewed and approved by the State Board of Education*  
25 *as being both appropriate and accurate for the purposes*  
26 *of the report required pursuant to this chapter.*

27 SEC. 10. Section 628.5 of the Penal Code is amended  
28 to read:

29 628.5. The Legislature hereby recognizes that all  
30 pupils enrolled in California public schools have the  
31 inalienable right to attend classes on campuses that are  
32 safe, secure, and peaceful. The Legislature also  
33 recognizes the importance of accurate school crime data,  
34 including data on hate motivated incidents and hate  
35 crimes as defined in paragraphs (1) and (2) of subdivision  
36 (b) of Section 628.1, in developing and implementing  
37 school safety strategies and programs.

38 The State Department of Education, in consultation  
39 with school districts and county offices of education, shall  
40 identify guidelines for reporting and documentation for

1 validating the incidents of each crime description  
2 contained on the standard school crime reporting forms  
3 prepared pursuant to Sections 628.1 and 628.2. Reporting  
4 guidelines and documentation for validation criteria shall  
5 be established for each crime description, including, but  
6 not limited to, all of the following: battery, assault with a  
7 deadly weapon, graffiti, homicide, sex offenses, robbery,  
8 extortion, drug and alcohol offenses, possession of  
9 weapons, destructive devices, arson, burglary, theft,  
10 vandalism, and hate motivated incidents and hate crimes  
11 as defined in paragraphs (1) and (2) of subdivision (b) of  
12 Section 628.1.

13 SEC. 11. Notwithstanding Section 17610 of the  
14 Government Code, if the Commission on State Mandates  
15 determines that this act contains costs mandated by the  
16 state, reimbursement to local agencies and school  
17 districts for those costs shall be made pursuant to Part 7  
18 (commencing with Section 17500) of Division 4 of Title  
19 2 of the Government Code. If the statewide cost of the  
20 claim for reimbursement does not exceed one million  
21 dollars (\$1,000,000), reimbursement shall be made from  
22 the State Mandates Claims Fund.

